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**FILED**

FEB - 4 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

12 UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION  
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12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 vs.

15 DAVID LOUIS BEHAR, LINDSAY  
16 ROBIN HOGUE, TARA  
17 BERGSTRAND, and JOHN ROGER  
18 LAGACE,

19 Defendants.  
20

CASE NO. CR 07-70709 HRL

STIPULATION TO CONTINUE  
HEARING; ~~PROPOSED~~ ORDER

21 IT IS HEREBY STIPULATED, by Defendants and the government, through  
22 their respective counsel that, subject to the Court's approval, the hearing date  
23 in the above-captioned matter, presently set for Thursday, February 7, 2008,  
24 at 9:30 am, be continued to Thursday, February 21, 2008. The continuance  
25 has been requested because the parties need time to discuss settlement.

26 The parties further agree and stipulate that the period of time from  
27 February 7, 2008 through and including February 21, 2008, should be excluded  
28 pursuant to Speedy Trial Act, 18 U.S.C. §3161. Accordingly, the United States  
and the defendants agree that granting the requested exclusion of time will

1 serve the interests of justice and outweigh the interest of the public and  
2 defendants in a speedy trial.

3  
4 DATED: January 31, 2008 CAREY & CAREY

5  
6 /s/  
7 JERRY Y. FONG, Attorneys for  
8 JOHN ROGER LAGACE

9 DATED: 1/31, 2008

10 /S/  
11 PETER LEEMING  
12 Attorney for Mr. Behar

13 DATED: 1/29, 2008

14 /s/  
15 MANUEL ARAUJO  
16 Attorney for Ms. Bergstrand

17 DATED: 1/29, 2008

18 /s/  
19 GEOFFREY BRAUN  
20 Attorney for Ms. Hogue

21 DATED: 1/29, 2008

22 /s/  
23 JEFFREY B. SCHENK  
24 Assistant U.S. Attorney

25 ORDER

26 The parties have jointly requested a continuance of the hearing set for  
27 February 7, 2008.

28 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
presently set for February 7, 2008, be continued to February 21, 2008, at 9:30  
am, as well as the period of delay from February 7, 2008 to and including

1 February 21, 2008, be excluded for purposes of Speedy Trial Act computations  
2 pursuant to 18 U.S.C. §3161.

3 IT IS SO ORDERED.

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5 DATED: 2/1, 2008

  
6 HOWARD R. LLOYD  
7 U.S. Magistrate Judge  
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